

Senate Bill 512

By: Senators Pearson of the 51st, Seabaugh of the 28th, Balfour of the 9th, Kemp of the 46th and Williams of the 19th

A BILL TO BE ENTITLED

AN ACT

To amend Code Section 12-2-2 of the Official Code of Georgia Annotated, relating to the Environmental Protection Division of the Department of Natural Resources, the Environmental Advisory Council, duties of the council and its members and the director, procedure for aggrieved persons, and inspections, so as to change certain provisions relating to review and approval or denial of applications for certain permits or variances; to provide for applicability and effect; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Code Section 12-2-2 of the Official Code of Georgia Annotated, relating to the Environmental Protection Division, Environmental Advisory Council, duties of the council and its members and the director, procedure for aggrieved persons, and inspections, is amended by striking paragraph (1) of subsection (c) and inserting in lieu thereof the following:

"(c)(1) The director shall issue all orders and shall grant, deny, revoke, or amend all permits or variances provided for in the laws to be enforced by the division. The director shall also issue any certification which is required by any law of this state or the United States to be issued by the director, the Department of Natural Resources, or the State of Georgia relating to pollution control facilities or matters. The director shall notify all permit or variance applicants within 30 days of receipt of the application as to the completeness of the application and, if the director finds the same to be incomplete, what specific additional materials the applicant need submit to make the application complete. The director shall grant or deny any permit or variance within ~~90~~ 60 days after receipt of all required application materials by the division, provided that the director may for any application order not more than one extension of time of not more than ~~60~~ 30 days within which to grant or deny the permit or variance. When any application for a permit or

1 variance is pending before the director and the director has not either granted or denied  
2 the permit or variance within the time specified for the director to do so, the director shall  
3 immediately refund any and all fees which were required to be submitted by the applicant  
4 as a condition of the permit application, except for fees required to be levied pursuant to  
5 federal law; and such failure by the director to grant or deny a permit or variance within  
6 the time specified shall be considered a decision to refuse to grant such permit or  
7 variance, and the applicant may request review of such decision as provided by paragraph  
8 (2) of this subsection. ~~Such fee refund shall not otherwise affect the application process,~~  
9 ~~and the application shall be granted, denied, or otherwise handled as it otherwise would~~  
10 ~~have been, except that the fee requirement shall be waived."~~

### 11 SECTION 3.

12 This Act shall apply to any application to the Environmental Protection Division of the  
13 Department of Natural Resources for a permit or variance which application is pending on  
14 or after July 1, 2006; provided, however, that any such pending application which as of July  
15 1, 2006, has been completed and pending for 90 days or longer shall be deemed to have been  
16 denied as of July 1, 2006, for purposes of the applicant's eligibility to request review of such  
17 decision under paragraph (2) of subsection (c) of Code Section 12-2-2 of the Official Code  
18 of Georgia Annotated.

### 19 SECTION 3.

20 All laws and parts of laws in conflict with this Act are repealed.